

AN ACT

relating to the creation and financing of the Lakeway Regional Medical Center Defined Area in Travis County Water Control and Improvement District No. 17; providing authority to impose a tax and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9017 to read as follows:

CHAPTER 9017. TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 17

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9017.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Defined area" means the Lakeway Regional Medical Center Defined Area.

(3) "District" means the Travis County Water Control and Improvement District No. 17.

[Sections 9017.002-9017.050 reserved for expansion]

SUBCHAPTER B. LAKEWAY REGIONAL MEDICAL CENTER DEFINED AREA

Sec. 9017.051. CREATION OF LAKEWAY REGIONAL MEDICAL CENTER DEFINED AREA. The defined area is created in the district.

Sec. 9017.052. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

(a) The defined area is created to serve a public purpose and benefit.

(b) The defined area is created to accomplish the purposes of:

(1) a water control and improvement district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 9017.053. INITIAL DEFINED AREA TERRITORY. (a) The defined area is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect:

(1) the defined area's organization, existence, or validity;

(2) the district's right to execute contracts or issue any type of bond or obligation for the purposes for which the defined area is created or to make payments under a contract or obligation or pay the principal of and interest on a bond;

(3) the district's right to impose a tax in the defined area; or

(4) the defined area's legality or operation.

Sec. 9017.054. EXCLUSION OF TERRITORY FROM DEFINED AREA. Before holding an election under Section 9017.060, the district may

1 exclude territory from the defined area in the manner provided by
2 Sections 49.303, 49.304, 49.305, 49.306, and 49.307, Water Code.

3 Sec. 9017.055. ADMINISTRATION OF DEFINED AREA. (a) Except
4 as provided by Subsection (b), the board shall administer the
5 defined area as provided by Chapter 51, Water Code.

6 (b) Sections 51.518-51.524 and 51.526-51.529, Water Code,
7 do not apply to the defined area.

8 Sec. 9017.056. ELECTIONS IN DEFINED AREA. (a) An election
9 limited to the defined area shall conform to the requirements of the
10 Election Code. The board shall submit the appropriate issue to the
11 voters of the defined area and the issue may also be submitted on
12 the same ballot to be used in a general election.

13 (b) In an election held for a purpose set forth in Section
14 9017.057, 9017.060, 9017.061, 9017.062, 9017.063, or 9017.064, the
15 board may include one or more purposes in a single proposition. The
16 ballot for an election under this chapter must be printed to provide
17 for voting for or against the proposition.

18 (c) An election under this section does not require that an
19 election be held in the part of the district outside the defined
20 area.

21 Sec. 9017.057. AUTHORITY FOR ROAD PROJECTS IN DEFINED AREA.
22 Under Section 52, Article III, Texas Constitution, the district may
23 design, acquire, construct, finance, issue bonds for, improve,
24 operate, maintain, and convey to this state, a county, or a
25 municipality for operation and maintenance macadamized, graveled,
26 or paved roads, or improvements, including storm drainage, in aid
27 of those roads, including roads located outside the boundaries of

1 the defined area, to serve the defined area as determined by the
2 board.

3 Sec. 9017.058. ROAD STANDARDS AND REQUIREMENTS IN DEFINED
4 AREA. (a) A road project in the defined area must meet all
5 applicable construction standards, zoning and subdivision
6 requirements, and regulations of each municipality in whose
7 corporate limits the road project is located.

8 (b) If a road project is not located in the corporate limits
9 of a municipality, the road project must meet all applicable
10 construction standards, subdivision requirements, and regulations
11 of each county in which the road project is located.

12 (c) If the state will maintain and operate the road, the
13 Texas Transportation Commission must approve the plans and
14 specifications of the road project.

15 Sec. 9017.059. LIMITATION ON USE OF EMINENT DOMAIN. The
16 district may not exercise the power of eminent domain outside the
17 district to acquire a site or easement for:

- 18 (1) a road project authorized by Section 9017.057; or
19 (2) a recreational facility as defined by Section
20 49.462, Water Code, primarily intended to serve the defined area.

21 Sec. 9017.060. ELECTIONS REGARDING DEFINED AREA TAXES OR
22 BONDS. (a) The district must hold an election in the defined area
23 in the manner provided by Section 9017.056 to obtain voter approval
24 before the district may impose an ad valorem tax only on the
25 property of the defined area or issue bonds payable from ad valorem
26 taxes only on the property of the defined area.

27 (b) The district may not issue bonds payable wholly or

1 partly from ad valorem taxes to finance a road project in the
2 defined area unless the issuance is approved by a vote of a
3 two-thirds majority of the voters of the defined area voting at an
4 election held for that purpose.

5 Sec. 9017.061. OPERATION AND MAINTENANCE TAX. (a) If
6 authorized at an election held under Section 9017.060, the district
7 may impose an operation and maintenance tax on taxable property in
8 only the defined area in accordance with Section 49.107, Water
9 Code.

10 (b) The board shall determine the tax rate. The rate may not
11 exceed the rate approved at the election.

12 Sec. 9017.062. CONTRACT TAXES. (a) In accordance with
13 Section 49.108, Water Code, the district may impose a tax other than
14 an operation and maintenance tax in the defined area only and use
15 the revenue derived from the tax to make payments under a contract
16 after the provisions of the contract have been approved by a
17 majority of the defined area voters voting at an election held under
18 Section 9017.060.

19 (b) In addition to the purposes allowed by Chapter 49, Water
20 Code, a contract may contain provisions related to the plant,
21 works, facilities, roads, or other projects to serve the defined
22 area.

23 (c) A contract approved by the defined area voters may
24 contain a provision stating that the contract may be modified or
25 amended by the board without further voter approval.

26 Sec. 9017.063. AUTHORITY TO ISSUE BONDS AND OTHER
27 OBLIGATIONS. The district may issue bonds or other obligations as

1 provided by Chapters 49 and 51, Water Code, to finance the
2 construction, maintenance, or operation of the plant, works,
3 facilities, roads, or other projects to serve the defined area.

4 Sec. 9017.064. TAXES FOR BONDS. At the time the district
5 issues bonds under Section 9017.060, the board may provide for the
6 imposition of a tax to pay the principal of or interest on the
7 bonds.

8 Sec. 9017.065. BONDS FOR ROAD PROJECTS. At the time of
9 issuance, the total principal amount of bonds or other obligations
10 issued or incurred to finance road projects in the defined area may
11 not exceed one-fourth of the assessed value of the real property in
12 the defined area.

13 SECTION 2. The Lakeway Regional Medical Center Defined Area
14 initially includes all the territory contained in the following
15 area:

16 Being a 53.2335 acre tract of land in the J.P. Warnock Survey
17 No. 56 and the A. Beck Survey No. 54, Travis County, Texas and being
18 all of the Lakeway Regional Medical Center, a subdivision of record
19 in Document No. 200800246 of the Official Public Records of Travis
20 County, Texas; said 53.2335 acre tract of land is more particularly
21 described by metes and bounds as follows:

22 BEGINNING at a 1/2" iron rod found for the most easterly
23 corner of said Lakeway Regional Medical Center subdivision and
24 being a point on the northwesterly line of that 12.695 acre tract of
25 land conveyed to Commercial Lakeway Limited Partnership as recorded
26 in Volume 13241, Page 439 of the Deed Records of Travis County,
27 Texas;

1 THENCE, S47°45'43"W, with the common southeasterly line of
2 said Lakeway Regional Medical Center subdivision and the
3 northwesterly line of said 12.695 acre tract a distance of 1,071.43
4 feet to a 1/2" iron rod found for the northerly corner of that 24.94
5 acre tract of land awarded to Lake Travis Independent School
6 District in Travis County Court at Law No. 1, Cause No. 1358;

7 THENCE, S47°38'35"W, continuing with the southeasterly line
8 of said Lakeway Regional Medical Center subdivision, same being the
9 northwesterly line of said 24.94 acre tract, a distance of 738.02
10 feet a 1/2" iron rod found for the most southerly corner of Lakeway
11 Regional Medical Center subdivision, same being the southeast
12 corner of Lot 4 of Cherry Mountain Phase II, a subdivision of record
13 in Book 76, Page 67 of the Plat Records of Travis County, Texas;

14 THENCE, N33°50'27"W with the common westerly line of said
15 Lakeway Regional Medical Center subdivision and easterly line of
16 said Cherry Mountain Phase II subdivision a distance of 135.20 feet
17 to a 60d nail in a fence post found for an angle point;

18 THENCE, N17°07'00"W continuing with the common westerly line
19 of said Lakeway Regional Medical Center subdivision and easterly
20 line of said Cherry Mountain Phase II subdivision, at 119.77 feet
21 passing a 1/2" iron rod found for the southeast corner of Lot 3-A of
22 the Resubdivision of Lots 1, 2, 3, 9 and 10, Cherry Mountain, Phase
23 II, a subdivision of record in Book 76, Page 230 of the Plat Records
24 of Travis County, Texas, and continuing for a total distance of
25 466.24 feet to a 1/2" iron rod found for the northeast corner of
26 said Lot 3-A;

27 THENCE with the common westerly line of said Lakeway Regional

1 Medical Center subdivision and easterly line of said Resubdivision
2 of Lots 1, 2, 3, 9 and 10, Cherry Mountain, Phase II, the following
3 three (3) courses:

4 1) N17°04'36"W, a distance of 214.01 feet to a 1/2" iron rod
5 found;

6 2) N17°06'42"W, a distance of 137.11 feet to a 1/2" iron rod
7 found;

8 3) N16°56'17"W, a distance of 497.47 feet to a 60d nail in a
9 fence post found on the southerly right-of-way line of Wild Cherry
10 Drive (60.0 feet wide right-of-way) for the most westerly corner of
11 said Lakeway Regional Medical Center subdivision and most northerly
12 corner of Lot 1-A of the Resubdivision of Lots 1, 2, 3, 9 and 10,
13 Cherry Mountain, Phase II;

14 THENCE, N45°52'28"E with the common northwesterly line of
15 said Lakeway Regional Medical Center subdivision and southerly
16 right-of-way line of Wild Cherry Drive, a distance of 136.29 feet to
17 a 1/2" iron rod found for the southwesterly corner of Cherry
18 Mountain I, a subdivision of record in Book 75, Page 369 of the Plat
19 Records of Travis County, Texas;

20 THENCE, with the common southeasterly line of said Cherry
21 Mountain I subdivision and northwesterly line of said Lakeway
22 Regional Medical Center subdivision, the following two (2) courses:

23 1) N46°18'51"E, a distance of 1062.47 feet to a 1/2" iron rod
24 found;

25 2) N46°24'16"E, a distance of 202.89 feet to a 1/2" iron rod
26 found on the curving southerly right-of-way line of Flint Rock
27 Trace (variable width right-of-way) for the most northerly corner

1 of the Lakeway Regional Medical Center subdivision;

2 THENCE, with the common southerly right-of-way line of Flint
3 Rock Trace and northeasterly line of said Lakeway Regional Medica
4 Center subdivision, the following five (5) courses:

5 1) With a curve to the left, having a central angle of
6 5°22'21", a radius of 462.36 feet, a long chord of 43.34 feet (chord
7 bears S35°01'42"E) for an arc distance of 43.35 feet to a 1/2" iron
8 rod found for the point of curvature of a curve to the left;

9 2) With said curve to the left, having a central angle of
10 32°33'01", a radius of 196.13 feet, a long chord of 109.93 feet
11 (chord bears S51°15'25"E) for an arc distance of 111.42 feet to a
12 1/2" iron rod found;

13 3) S67°37'40"E, a distance of 65.16 feet to a 1/2" iron rod
14 found for the point of curvature of a curve to the right;

15 4) With said curve to the right, having a central angle of
16 10°16'25", a radius of 1116.28 feet, a long chord of 199.89 feet
17 (chord bears S62°29'51"E) for an arc distance of 200.16 feet to a
18 1/2" iron rod found;

19 5) S57°19'30"E, a distance of 133.61 feet to a 1/2" iron rod
20 found on the westerly right-of-way line of Ranch Road 620 (variable
21 width right-of-way) for the northeasterly corner of the Lakeway
22 Regional Medical Center subdivision;

23 THENCE, with the common westerly right-of-way line of Ranch
24 Road 620 and easterly line of said Lakeway Regional Medical Center
25 subdivision, the following three (3) courses:

26 1) S22°46'56"E, a distance of 323.63 feet to a 1/2" iron rod
27 found for an angle point;

2) S32°40'44"E, a distance of 202.99 feet to a 1/2" iron rod found for an angle point;

3) S22°46'34"E, a distance of 169.69 feet to a 1/2" iron rod found for the most northerly corner of the aforesaid 12.695 acre tract of land conveyed to Commercial Lakeway Limited Partnership;

THENCE, continuing with the easterly line of said Lakeway Regional Medical Center subdivision, same being the northwesterly line of said 12.695 acre tract, the following two (2) courses:

1) S69°54'26"W, a distance of 95.34 feet to a 1/2" iron rod found for an angle point;

2) S34°10'14"E, a distance of 203.76 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds, 53.2335 acres of land area.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

S.B. No. 942

1 (d) All requirements of the constitution and laws of this
2 state and the rules and procedures of the legislature with respect
3 to the notice, introduction, and passage of this Act are fulfilled
4 and accomplished.

5 SECTION 4. This Act takes effect September 1, 2011.

David Dewhurst
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 942 passed the Senate on April 21, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2011, by the following vote: Yeas 31, Nays 0.

Letsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 942 passed the House, with amendment, on May 20, 2011, by the following vote: Yeas 149, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4 PM O'CLOCK

JUN 17 2011

Greg Abbott
Secretary of State